ORDINANCE NO. 88-13

FILED
CRAWFORD CIRCUIT &
CHANCERY CLERK
88 OCT 25 PM 10 45
BY

AN ORDINANCE TO VACATE A PORTION OF AN UNNAMED, NON-EXISTENT STREET IN CHITWOOD HEIGHTS SUBDIVISION; TO RETAIN A PORTION OF THE STREET AS A PERMANENT UTILITY EASEMENT; AND FOR OTHER PURPOSES.

WHEREAS, a petition was duly filed with the City Council of the City of Mulberry, Arkansas, on the 14th day of April, 1988, asking the City Council to vacate and abandon a portion of the east/west street designated on the plat of the Chitwood Heights Subdivision of said City now appearing of record in Plat Book A, Page A-1, in the office of the Recorder of Crawford County, and

WHEREAS, after due notices as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street or the portion thereof, hereinafter described, has heretofore been dedicated to the public use as a street herein described; has not actually been constructed or used by the public generally for a period of at least fifteen (15) years, subsequent to the filing of plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the Council their written consent to such abandonment; and that public interest and welfare will not be adversely affected by the abandonment of such street.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. The City of Mulberry, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally, except as set forth in SECTION 2, in and to the street designated as follows:

That portion of a 50 foot wide street at the north part of Chitwood Heights Subdivision that is between Highway 215 on the east and Church Street on the west. This portion is bounded by Lots 16 and 37 on the north, and Lots 17 and 36 on the south; a distance of 258.6 feet. This is a part of the NE¼ of the SW¼ of Section 26, Township 10 North, Range 29 West of the Fifth Principal Meridian, Crawford County, Arkansas.

SECTION 2. The City of Mulberry retains a permanent utility easement in a portion of the above mentioned street. This lies in a part of the NE¼ of the SW¼ of Section 26, Township 10 North, Range 29 West of the Fifth Principal Meridian, Crawford County, Arkansas and being more particularly described as follows:

Beginning at a point that is 461.75 feet South and 138.5 feet West of the Northeast Corner of said forty acre tract. Thence South 20 feet; thence West 258.6 feet; thence North 20 feet; thence East 258.6 feet to the point of beginning.

An existing water line lies in the above described parcel and serves residences along Highway 215.

SECTION 3. A copy of this ordinance duly certified by the City Recorder-Treasurer shall be filed in the office of the Recorder of Crawford County and recorded in the deed records of the county.

SECTION 4. This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED THIS 24th DAY OF OCTOBER, 1988.

APPROVED:

Arnold D. Feller
Arnold D. Feller,
Mayor

ATTEST:

CITY OF MULBERRY SEAL MULBERRY ARK.

Joe Benham
Joe Benham, Recorder-Treasurer

CERTIFICATE OF RECORD

STATE OF ARKANSAS }
COUNTY OF CRAWFORD } ss.

I, LINDA HOWARD, Circuit Clerk and Ex-Officio Recorder for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 25 day of Oct A.D. 1988, at 1045 o'clock A M., and the same is now duly recorded with the acknowledgments and certificates thereon, in Record Book Misc 88-1 Page 241 IN WITNESS WHEREOF, I have hereunto set my Hand and affixed the Seal of said Court, this 25 day of Oct, 1988.

SEAL OF CIRCUIT CLERK ☆ CRAWFORD COUNTY, ARKANSAS ☆

LINDA HOWARD,
Circuit Clerk and Ex-Officio Recorder
Marie Durham, D.C.